

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

205

**ARB No.877-2018
Decided on : 08.03.2021**

Vrindavan Infratech Private Limited

... Petitioner

Versus

Choice Development Co.Pvt.Limited

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.Aditya Jain, Advocate for
Mr.Arjun Kundra, Advocate
for the petitioner.

Mr.Amit Jhanji, Advocate
for the respondent.

(The proceedings are being conducted through video
conferencing as per instructions.)

G.S. Sandhawalia , J. (Oral)

The petitioner seeks appointment of sole arbitrator under Section 11(6) of the Arbitration and Conciliation Act, 1996, keeping in view the terms of the lease deed/lease agreement dated 10.05.2016 and the arbitration clause incorporated at Clause 7.1 of the sale deed (Annexure P-1).

The said clause reads as under:

The parties shall attempt in the first instance to resolve any dispute or difference arising in any way or manner out of, in relation to or in connection with this lease by conciliation. If such dispute is not resolved through conciliation within 30 days after commencement of discussions, the same shall be decided by arbitration by a sole Arbitrator appointed by the parties with mutual consent.

The decision of the Arbitrator shall be final and binding on the parties. The Arbitration proceedings will be conducted in accordance with the Arbitration and Conciliation Act, 1996. Arbitration proceedings shall be conducted in English Language. The venue of the Arbitration shall be Gurgaon.

The stand of the respondent is that there is no liability towards it, rather it has to recover a sum of Rs.43,59,576.37/- along with interest @ 18% from the petitioner.

It has also been averred that an independent arbitrator may be appointed who may be a District and Sessions Judge from Delhi or Gurgaon, keeping in view the affordability as such of the parties.

Keeping in view, the competing claim inter se between the parties, this Court is of the opinion that since the proceedings have to be conducted at Gurgaon, Sh.M.P.Mehndiratta, District and Sessions Judge (Retd.), residing at House No.1090, Sector 15, Part-II, Gurgaon, Phone No.092509-25555, would be most suitable person for entering into arbitration.

Accordingly, the present petition is disposed of appointing Sh.M.P.Mehndiratta, District and Sessions Judge (Retd.), as independent arbitrator to enter into the reference as such inter se between the parties and a copy of the order be forwarded to him for onwards transmission.

(G.S.SANDHAWALIA)
JUDGE

08.03.2021

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No